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10/689,610	10/22/2003	David Theiler	T0803.0002/P002	4815

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EXAMINER	
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ART UNIT	PAPER NUMBER
3623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/689,610	THEILER, DAVID	
	Examiner	Art Unit	
	Jonathan G. Sterrett	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 June 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20 and 22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20,22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. The following is a Final Office Action in response to the communications received on June 26, 2007.

Claims 1-20 and 22 are now pending in this application.

Response to Arguments

2. The applicant's arguments have been fully considered but are not persuasive.

3. The applicant argues on page 2 with respect to Claims 1, 8, 12 and 22 that the cited reference of Microsoft Project™ does not teach the generation of subsequent worker assignments without further interaction from the user. The applicant further alleges that Project™'s functionality only provides pushing tasks later in time rather than generating "new" subsequent tasks.

The examiner respectfully disagrees.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., generating new subsequent tasks) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The rescheduling of task assignments by pushing those tasks to a later time frame is generating subsequent worker assignments. Since the tasks are rescheduled

at a later point in time, they are subsequent. Also, since the pushing back of these tasks are in response to a resource shortfall (i.e. from the releveling of the resource loading), this occurs without interaction from the user. Although the applicant argues that Microsoft does not teach the generating of "new" tasks, this is not what the claim states. The claim states "generate subsequent worker assignments". The rescheduling of worker assignments (i.e. tasks in Project™) meets the limitation of those assignments by being generated subsequently to the original scheduling of those tasks as per the leveling functionality of Microsoft.

The examiner would further very respectfully point out to the applicant that generating a worker assignment from a report is a broad limitation. For example, the CMM invention of Miller provides an assessment (i.e. a report) of an organization's compliance with a maturity model assessment. The maturity model assessment is designed to highlight deficiencies in how the organization is working together as an team. Column 8 line 40-45 notes that corrective actions are undertaken to highlight deficiencies in the maturity level. These corrective actions could also be argued as worker assignments since they involve specific tasks that individuals in the organization take in response to the CMM assessment (i.e. the report). While Miller does not teach generating these assignments automatically, it is noted (as per In Re Venner below) that performing such automatic generation of a manual process does not distinguish over the prior art.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. (U.S. 7,035,809) and User's Guide to Microsoft Project, 1995 (hereinafter, MSProject).

As per claims 1 and 12, Miller et al. discloses a method and apparatus for creating a workflow process management application suitable for an organization, comprising:

(a) creating on a computer system, a plurality of department objects; (b) creating, on said computer system, a plurality of resource objects, each resource object being associated with at least one of said department objects and a production resource of said organization; (c) creating, on said computer system, a plurality of activity objects, each activity object being associated with at least one of said department objects and an activity of said organization; and (d) after steps (a), (b), and (c), and responsive to a command, automatically generating, by said computer system, said workflow process management application from said department objects, resource objects, and activity objects (col. 5, lines 6-19; col. 6, lines 52-65; col. 20, lines 24-28; col. 27, lines 28-40; col. 59, lines 34-53; Figure 11A; A user creates resources and tasks (i.e., activities) for a defined organization through templates. Upon receipt of the resource, task and organizational structure input, the system then automatically produces a plan for the

organization. An organization may be a department as the disclosure of the instant application defines a department as an entity that exists to perform a set of core functions.);

wherein said workflow process management application, when executed by said computer, permits a user to enter, for each department, a workflow plan for said department, generate worker assignments, receive a workflow performed by departments of said organization, create reports comparing said workflow plan with said workflow performed (col. 7, lines 56-62; col. 8, lines 29-47; Various status reports for project plans are generated, where the reports provide a measure of planned work versus actual work performed for the organization involved with the project. Work assignments may be created and changed.);

said workflow process management application using said report to generate subsequent worker assignments (col. 6, lines 16-21 and 44-65; col. 7, lines 59-67; col. 8, lines 39-53; Based on the content of the status reports, worker/task assignments may be generated and reassigned or updated so as to rectify any discrepancies or identified risks as a result of the comparison of the planned versus actual work performed.);

wherein said workflow plan comprises a plurality of standards, each one of said standards inter-relating at least one activity object with at least one resource object as a function of time and skill (col. 6, lines 38-59; col. 24, lines 35-45; The project plan identifies the human resources needed based on the project requirements (i.e., standards), where the human resources must be suitable for the task by having the required skills and time availability.).

Miller et al. does not expressly disclose said workflow process management application using said report to *automatically* generate subsequent worker assignments *without further interaction with the user*. However, Miller et al. does disclose creating task-level project plans where critical paths and dependencies are defined and managed within Microsoft Project (col. 6, lines 16-21). Microsoft Project discloses that when task dependencies are created, when a parent task is started early or delayed, the dependent child tasks are automatically changed without further interaction from the user. Thus, once critical paths and task dependencies are identified and inputted into Microsoft Project, any changes to parent tasks automatically generates changes to dependent tasks (i.e., subsequent assignments) without further interaction from the user (see MSProject pages 22-24, 27, 37, 65, 69). Additionally, it was known at the time of the invention that merely providing an automated way to replace a well-known activity which accomplishes the same result is not sufficient to distinguish over the prior art. *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Miller et al. to *automatically* generate subsequent worker assignments *without further interaction with the user* as doing so provides a more efficient means of tracking and correcting workflow progress, which ensures that the workflow plan is kept on schedule since feedback from the user is not waited for in order to generate corrections to the workflow plan.

As per claims 2 and 13, Miller et al. discloses the method and apparatus of claims 1 and 12, wherein in said workflow process management application, said user

enters a workflow plan by creating relationships between said resource and activity objects for each department (col. 20, lines 9-17; A user may create an organizational structure, which defines the relationships between resources and jobs (i.e., activities).).

As per claims 3 and 14, Miller et al. discloses the method and apparatus of claims 1 and 12, wherein said plurality of activity objects comprise a plurality of fixed activity objects and variable activity objects (col. 6, lines 15-21; col. 8, lines 44-52; Critical paths are defined for project/work plans, where critical paths represent fixed activities. All other activities may be changed, and are thus, variable activities.).

As per claim 4, Miller et al. discloses the method of claim 1, further comprising:

selecting from a group of templates, a selected template and after said selecting, automatically creating a plurality of department, resource, and activity objects associated with said selected template (col. 5, lines 6-19; col. 17, lines 55-67; col. 21, lines 36-43; col. 27, lines 28-40; col. 59, lines 34-53; A user may select from a group of templates such as project, process and training templates. After input is received through the templates, department, resource and task (i.e., activity) objects are automatically created.).

As per claim 5, Miller et al. discloses the method of claim 4, as discussed above. Miller et al. does not expressly disclose the workflow management application being used for a hospital. However, the claimed invention indicating the workflow management application being used for a hospital is mere intended use. That the workflow management application is to be used in a hospital is irrelevant since the intended field of use does not change the overall functionality of the system. The

intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963). Accordingly, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to use the workflow management application of Miller et al. for managing the workflow of a hospital because Miller et al. creates workflow processes by creating objects, where the objects can represent any type of organizational structure and resource, thus providing a flexible system for managing the workflow of various types of organizations, including hospitals.

As per claim 6, Miller et al. discloses the method of claim 1, further comprising:

creating, on said computer system, a plurality of objects related to groups, locations, and acuities, wherein said set of objects further comprises said plurality of objects related to groups, locations, and acuities (col. 20, lines 4-30; A user may create objects relating to roles, jobs, teams and organizational structures that identify the knowledge, skills and attributes relating to those objects as well as the relationship between those objects.).

As per claim 7, Miller et al. discloses the method of claim 6, wherein in said workflow process management application, said user enters a workflow plan by creating relationships between said resource objects, activity objects, and objects related to groups, locations, and acuities (col. 20, lines 4-30; A user may create objects relating to roles, jobs, teams and organizational structures that identify the knowledge, skills and attributes relating to those objects as well as the relationship between those objects.).

As per claims 8-11, Miller et al. discloses a computer readable medium, comprising similar steps as recited and analyzed above for claims 1-4, 6-7 and 12. Additionally, Miller et al. discloses that the workflow application builder is web based (col. 59, line 63-60, line 7; Figure 11B, where users may access the templates remotely via the Internet).

As per claim 22, claim 22 recites limitations already rejected above in claims 1-4, 6-7 and 12. Therefore, claim 22 is rejected on the same basis as claims 1-4, 6-7 and 12.

As per claims 15 and 16, while Miller et al. and MSProject disclose tracking work management processes (Miller et al., col. 6, lines 16-21; MSProject pages 22-24, 27, 37, 65, 69), Miller et al. does not expressly disclose displaying a page in a user interface, said page comprising: a logo region, a menu region, including at least one menu item, a navigation region and a context sensitive area; or wherein the objects created in said creating step are based on user events generated by a user interacting with said menu region, navigation region and context sensitive area. However, MSProject discloses displaying a page in a user interface, said page comprising: a logo region, a menu region, including at least one menu item, a navigation region and a context sensitive area (pages 113-119, last page; MSProject discloses a user interface in which a user interacts with a Windows-based application for managing project data, where the interface includes a logo, menus, navigation regions and context sensitive areas.). At the time of the invention, it would have been obvious to a person of ordinary

skill in the art for the work management system of Miller et al. to incorporate typical windows-based features of a logo region, a menu region, including at least one menu item, a navigation region and a context sensitive area as taught by MSProject because such features are well-known in Windows-based applications and therefore, are familiar to most users of Windows-based applications, thereby providing a user-friendly interface that most users already know how to interact with.

As per claim 17, Miller et al. does not expressly disclose the method of claim 15, wherein said context sensitive area includes a hierarchical control object for showing and hiding a list of hierarchical objects. MSProject discloses wherein said context sensitive area includes a hierarchical control object for showing and hiding a list of hierarchical objects (pages 117-119, last page; Double clicking on various sections of a page shows a list or view of hierarchical objects.). At the time of the invention, it would have been obvious to a person of ordinary skill in the art for Miller et al. to include a hierarchical control object for showing and hiding a list of hierarchical objects because such a feature provides users with the ability to effectively manage the information that is displayed to them via the interface by enabling them to see what items they want to see and hide items they don't wish to see.

As per claim 18, Miller et al. discloses the method of claim 17, wherein said hierarchical objects comprise at least one department of said organization (col. 5, lines 6-19; col. 6, lines 52-65; col. 20, lines 24-28; col. 27, lines 28-40; col. 59, lines 34-53; Figure 11A; A user creates resources and tasks (i.e., activities) for a defined organization through templates. Upon receipt of the resource, task and organizational

structure input, the system then automatically produces a plan for the organization. An organization may be a department as the disclosure of the instant application defines a department as an entity that exists to perform a set of core functions.).

As per claim 19, Miller et al. discloses the method of claim 17, wherein said application further permits said user to create a plurality of objects related to groups, locations, and acuities, said set of objects further comprises said plurality of objects related to groups, locations, and acuities, and said hierarchical objects comprise at least one location of said organization (col. 20, lines 4-30; A user may create objects relating to roles, jobs, teams and organizational structures that identify the knowledge, skills and attributes relating to those objects as well as the relationship between those objects.).

As per claim 20, Miller et al. does not expressly disclose the method of claim 15, wherein said menu region comprise at least one of a menu item and a sub-menu. MSProject discloses wherein said menu region comprise at least one of a menu item and a sub-menu (last page). At the time of the invention, it would have been obvious to a person of ordinary skill in the art for the work management system of Miller et al. to incorporate a menu item and a sub-menu in its menu region because such features are well-known in Windows-based applications and therefore, are familiar to most users of Windows-based applications, thereby providing a user-friendly interface that most users already know how to interact with.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan G Sterrett whose telephone number is 571-272-6881. The examiner can normally be reached Monday – Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 571-272-6729.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JGS

JGS
August 26, 2007

Romain Jeanty
Primary Examiner
Art Unit 3623